

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1284.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF "FERRO-CHINA BISLERI-BISLERI'S BITTERS"; MISBRANDING OF "FERNET-BRANCA BITTERS."

On August 30, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed information in the Circuit Court of the United States for said district against D. Maiolatesi & Co., alleging shipment by it, in violation of the Food and Drugs Act, on or about January 3, 1910, and March 2, 1910, from the State of New York into the State of New Jersey of a quantity of a product called "Ferro-China", which was adulterated and misbranded, and a quantity of a product called "Fernet-Branca", which was misbranded. The products were labeled: (I. S. 1477-c) "Ferro-China Bisleri-Bisleri's Bitters. Containing Alcohol 33%. Manufactured by Felice Bisleri—Milan (Italy) Drink plain or with water, seltzer or Vermouth. G. Ceribelli & Co., New York. Sole Agents for the United States and Canada." (I. S. 1478-c) (translation) "Fernet Branca, Branca Brothers & Co.'s Fernet Branca. Milan, Via Broletto No. 35, next to the Church of St. Thomas. The sole proprietors of the true and genuine process, recognized and approved by numerous persons of authority, patented and registered in every country in the world. For its surpassingly excellent qualities it received the largest awards at the most important National and World's Expositions. Its effect is surprising, and the numerous testimonials left with Branca Bros. & Co. show clearly what a useful remedy it is, and every family would do well to provide themselves with this specialty. The firm of Branca Brothers was awarded a special gold medal by the Italian Government. To prevent counterfeits every label will

bear the signature of Branca Brothers & Co. (copyrighted) and a dry-stamped capsule will be fastened to the neck of the bottle with another label bearing the same signature. Fernet Branca—L. Gandolfi & Co., New York. Sole Agents for the United States, Mexico, Canada, Cuba & Porto Rico. Guaranteed by L. Gandolfi & Co., New York Agents under the Food and Drug Act, June 30, 1906. Serial No. 2831.”

Analyses of samples of said product were made by the Bureau of Chemistry of the United States Department of Agriculture, and showed the following results in grams per 100 cc.: (I. S. 1477-c) solids (by specific gravity), 8.72; ash, 0.047; iron as Fe, 0.0005; reducing sugars, 0.314; sucrose (from reducing sugar), 7.52; non-sugar solids, 0.89; alkaloids (total), 0.006; morphine, cocaine, strychnine and quinine absent; mixture of cinchona alkaloids without quinine appear to be present; total alcohol by volume, 33.6 per cent, of which about 2.9 per cent is methyl alcohol. Colored with caramel; color (brewer's scale) 1/4" cell, 72; odor and taste differ from that of the genuine. (I. S. 1478-c): Contains methyl alcohol; total alcohol per cent by volume, 47.44, of which about 6.4 per cent is methyl alcohol.

Misbranding was alleged in the information against the drug product called Fernet Branca, because it was labeled so as to mislead the purchaser, in that the label bore statements regarding the article which were false and misleading, in that said article was an imitation of and offered for sale under the distinctive name of another article, to wit, Fernet Branca, when it was not that article, and also because said article was falsely labeled as to the country in which it was manufactured or produced, in that the label stated it was manufactured and produced in Italy, when in fact it was manufactured and produced in the United States; and further because said label bore no statement of the quantity or proportion of alcohol contained therein. Adulteration was alleged in the information against the food product called Ferro-China Bitters, because it contained an added poisonous and deleterious ingredient which might render such article injurious to health, to wit, methyl alcohol, which methyl alcohol was not a preservative applied externally in preparation of said article for shipment. Misbranding was also alleged against this product because it was labeled so as to deceive and mislead the purchaser, in that the label bore statements regarding such article and the ingredients and substances contained therein, which were false and misleading, in that they stated that such article was Ferro China Bitters, when in fact said article was an imitation of and offered for sale under the distinctive name of another article, to wit, Ferro China Bitters, when in fact it was not that article, but a preparation including among other things foreign to Ferro-China Bitters, a poisonous

and deleterious ingredient, to wit, methyl alcohol, and was falsely branded as to the country in which it was manufactured or produced, and purported to be a foreign product, that is, purported to be manufactured and produced in Italy, when in fact it was manufactured and produced in the United States.

On October 23, 1911, the defendants pleaded guilty, and sentence was suspended by the court on the representation of the United States Attorney that the articles were manufactured by another person who has since been convicted in the State courts, and were probably purchased from him by a salesman of the defendants, who had also been convicted, and that in all probability these defendants believed they were purchasing the genuine article, and were deceived and cheated by that salesman and his confederates.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *January 13, 1912.*

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